

**ZONING COMMITTEE
MINUTES
WEDNESDAY, JANUARY 28, 2009**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, January 28, 2009** in Committee Room 2, at 11:00 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable Natalyn Archibong, Vice Chair
The Honorable C. T. Martin
The Honorable Mary Norwood
The Honorable Howard Shook
The Honorable Carla Smith**

The following member was absent:

The Honorable Anne Fauver

Others present at the meeting were: Zoning Administrator Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorneys Peter Andrews, and Lem Ward, Law Department; and members of the Public and Council staff.

- A. ADOPTION OF AGENDA - ADOPTED BY ADDING SIX PIECES OF LEGISLATION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ZRB SUMMARY REPORT**
- D. PAPERS HELD IN COMMITTEE**

06-O-0273 (1) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

HELD

06-O-0007 (2) An Ordinance by Councilmember Carla Smith
Z-05-65 **as amended by Zoning Committee** to rezone the portion of the property located at **1821 W. Anderson Avenue** that is zoned R-4 (Single Family Residential) to the O-I (Office Institutional) Classification, to issue a Special Use Permit for the subject property; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

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D. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0022 (3) An Ordinance by Councilmember Carla Smith
U-05-22 to issue a Special Use Permit for a Nursing Home at **1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue)**; to waive the 2,000 foot distance requirement for this location; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

06-O-0955 (4) A **Substitute** Ordinance by Zoning Committee to rezone from
Z-06-44 the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at **1155 Hill Street, SE**, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. **(Held 11/1/06 at the request of District Council Person)**

Depth: Varies

Area: Approximately 8.719 Acres

Land Lot: 55, 14th District, Fulton County, Georgia

Owner: Jack and Harvey Taffel

Applicant: Chaz E. Waters/Skyline Partners, LLC.

NPU-Y

Council District 1

HELD

06-O-1927 (5) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

HELD

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D. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0396 (6) An Ordinance by Community Development/Human
CDP-07-09 Resources Committee to amend the Land Use Element of the City
of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so
as to re-designate property that is located at **349 14th Street**, from
the "Low Density Commercial" Land Use Designation; to the
"Mixed-Use" Land Use Designation; and for other purposes. **(1st**
Quarter CDP Public Hearing held 3/12/07) (Held 3/13/07
awaiting companion Zoning legislation) (Favorable by CD/HR
Committee 3/27/07) (Held 3/28/07 at the request of the
applicant)
NPU-E Council District 2

**Councilmember Shook made a motion to forward with no
recommendation. The vote was unanimous.**

FORWARDED WITH NO RECOMMENDATION

07-O-0148 (7) An **Amended** Ordinance by Zoning Committee to rezone
Z-06-138 from the C-2 (Commercial Service) District to the MRC-3-C (Mixed
Residential-Commercial Conditional) District, property located at
349 Fourteenth Street, NW, fronting approximately 134 feet on
the south side of 14th Street, at the southwest corner. **(Held**
3/28/07 at the request of the applicant)
Depth: Approximately 152 Feet
Area: Approximately 0.47 Acre
Land Lot: 149, 17th District, Fulton County, Georgia
Owner: Julian W. Rikard
Applicant: Michael Gamble
NPU-E Council District 2

**Councilmember Shook made a motion to forward with no
recommendation. The vote was unanimous.**

FORWARDED WITH NO RECOMMENDATION

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D. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1445 (8)
Z-06-74

An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3700 Martin Luther King, Jr. Drive, SW**, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. **(Held 5/2/07 at the request of Councilmember of the District)**

Depth: Varies
 Area: Approximately 27 Acres
 Land Lot: 15, 14th District, Fulton County, Georgia
 Owner: Atlanta Neighborhood Development Partnership
 Applicant: Marvin Greer

NPU-H **Council District 10**

HELD

07-O-2308 (9)
Z-06-113

An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at **863 Ponce de Leon (rear), NE**, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue. **(Filed by ZRB and Zoning Committee 5/20.07) (Referred by back by Full Council 6/4/07) (Held 6/13/07)**

Depth: Approximately 74 Feet
Area: Approximately 0.861 Acre
Land Lot: 17, 14th District, Fulton County, Georgia
Owner: Robert T. Budd
Applicant: Kevin A. Ross

NPU-N **Council District 2**

HELD

06-O-1888 (10) An Ordinance by Community Development/Human
CDP-06-65 Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at **3700 Martin Luther King, Jr. Drive, SW**, from the "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for

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D. PAPERS HELD IN COMMITTEE (CONT'D)

other purposes. **(Public Hearing held 9/11/06) (Filed by CD/HR Committee 11/27/07)**
NPU-H **Council District 1**

HELD

07-O-2594 (11) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. **(Held 12/12/07)**

HELD

06-O-2697 (12) An Ordinance by Councilmember Carla Smith to amend
Z-06-144 Chapter 28 of Part 16 of the Atlanta City Land Development Code to provide for density increases in exchange for affordable workforce housing; to define certain terms; to provide limitations and requirements; and for other purposes. **(Held 1/30/08)**

HELD

08-O-1009 (13) An Ordinance by Community Development/Human
CDP-08-22 Resources Committee to amend the Land Use Element of the City of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property that is located at **1040 Grant Street**, from "Industrial" Land Use Designation to "Mixed Use" Land Use Designation; and for other purposes. **(Public Hearings held 6/9/08 and 9/8/08) (Favorable by CD/HR Committee 9/9/08) (Favorable by Zoning Committee 9/10/08) (Referred back by Full Council 9/15/08) (Held 10/1/08)**
NPU-W **Council District 1**

HELD

08-O-0838 (14) An Ordinance by Councilmember Ivory L. Young,
Z-08-20 Jr. **as amended by Zoning Committee** to rezone from the I-1 (Light Industrial) District to the MRC-3-C (Mixed Residential-Commercial-Conditional) District, property located at **1040 Grant Street, SE**, fronting approximately 194.5 feet on the east side of Grant Street at the intersection of Grant Circle. **(Favorable by**

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D. PAPERS HELD IN COMMITTEE (CONT'D)

**Zoning Committee 9/10/08) (Referred back by Full Council
9/15/08) (Held 10/1/08)**

Depth: Approximately 360 Feet

Area: 1.57 Acres

Land Lot: 42, 14th District, Fulton County, Georgia

Owner: David S. Stith (for Grant Street Partners)

Applicant: Caleb Racioct (for Grant Street Partners)

NPU-W

Council District 1

HELD

E. ITEMS NOT ON THE AGENDA

09-O-0205 (1) An Ordinance by Zoning Committee to rezone from the RG-2
Z-09-01 (Multi-Family Residential-Sector 2) District to the MR-3 (Multi-Family Residential) District, property located at **3765 and 3755 Forrest Park Drive and 950 and O Conley Road, SW**, fronting approximately 351 feet on the east side of Forrest Park Road, 400 feet on the west side of Forrest Park Road, 364.85 feet on the north side of Conley Road and 48.05 feet on the north side of Conley Road.

Depth: Varies

Area: Approximately 21.09 Acres

Land Lot: 1, 14th District, Fulton County, Georgia

Owner: James Zohoury

Applicant: Kevin R. Hanna

NPU-Z

Council District 12

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-0206 (2) An Ordinance by Zoning Committee granting a Special Use
U-09-01 Permit for a Community Center (Section 16-06 A.005(l)(k)) for property located at **2405 Abner Street, NW**, fronting approximately 130 feet on the east side of Abner Place.

Depth: 97 Feet

Area: Approximately 0.27 Acre

Land Lot: 246, 17th District, Fulton County, Georgia

Owner: Tucker and Associates, LLC

Applicant: Flipper Temple 2009 Associates, L.P.

NPU-G

Council District 9

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E. ITEMS NOT ON THE AGENDA (CONT'D)

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-0207 (3)
U-09-02 An Ordinance by Zoning Committee granting a Special Use Permit for a Personal Care Home (Section 16-06 B.005 (1) (g) for property located at **985 Smith Street, SW**, fronting approximately 50 feet on the west side of Smith Street at the southwest intersection of Arthur Street and Smith Street.

Depth: 103 Feet
Area: Approximately 0.12 Acre
Land Lot: 87, 14th District, Fulton County, Georgia
Owner: Ezekiel Construction
Applicant: Charles Serge

NPU-V

Council District 4

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-0208 (4)
U-09-03 An Ordinance by Zoning Committee granting a Special Use Permit for a Terminal (Section 16.16.005 (1)(e) for property located at **4520 Patton Drive, SW**, fronting approximately 40 feet on the southeasterly side of Patton Street (Located in unincorporated Fulton County).

Depth: Varies
Area: Approximately 11.79 Acres
Land Lot: 51, 14th District, Fulton County, Georgia
Owner: Knight Transportation, Inc
Applicant: Knight Transportation, Inc.

NPU-H

Council District 10

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

09-O-0210 (5)
Z-08-71 An Ordinance by Zoning Committee authorizing the Mayor or her designee to amend Ordinance Number 08-O-1898/Z-08-71 by correcting the Zoning designation in Section 1. To reflect the conditional zoning based on the conditions that were adopted by the Council on December 1, 2008 and approved by the Mayor on December 9, 2008; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZONING COMMITTEE

SUMMARY REPORT
February 2, 2009

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FILE</u>						
07-O-2224	Z-07-106	1463 LaFrance Street, N.E. O-5	R-5 to MR-3	Deferral	Denial	File
Committee referred paper back to ZRB and Zoning Committee						
08-O-1470	Z-08-58	1299 Northside Drive, N.W. E-8	I-2 to MR-5A	File	No Action Taken	File

Councilmember Shook made a motion to file. The vote was unanimous.

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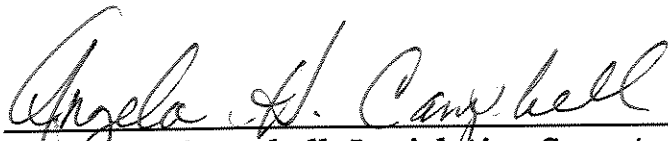
E. ITEMS NOT ON THE AGENDA (CONT'D)

09-O-0211 (6) An Ordinance by Zoning Committee to amend Sections 16-02.005
Z-09-03 and 16-02.006 of the City of Atlanta Zoning Ordinance for the
purpose of reinforcing the process of amendments to the Official
Zoning; and for other purposes.

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

**There being no further business to come before the Zoning Committee the
meeting was adjourned at 11:15 a.m.**

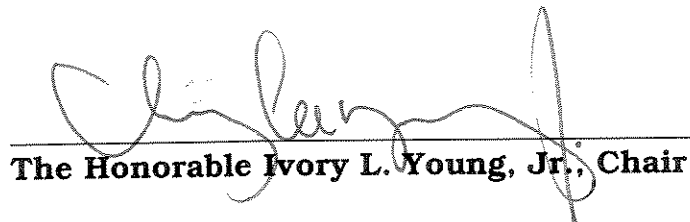
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory L. Young, Jr., Chair